

APPENDIX A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES WHIPPLE,

Plaintiff,

- against -

C.E. UNTERBERG TOWBIN INC., a Delaware
corporation, and

COLLINS STEWART, INC., a Delaware
corporation.

Defendants.

07 Civ. 10709 (SAS)

JUDGE SCHEINDLIN

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff

James Whipple and Defendants Collins Stewart LLC and Collins Stewart Inc., and **ORDERED** by the Court that the above-entitled action be, and the same hereby is, dismissed with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, without costs or attorneys' fees to any party as against the other.

Dated: April __, 2008

New York, New York

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SO ORDERED:


HON. SHIRA A. SCHEINDLIN, U.S.D.J.

Dated: May 19, 2008